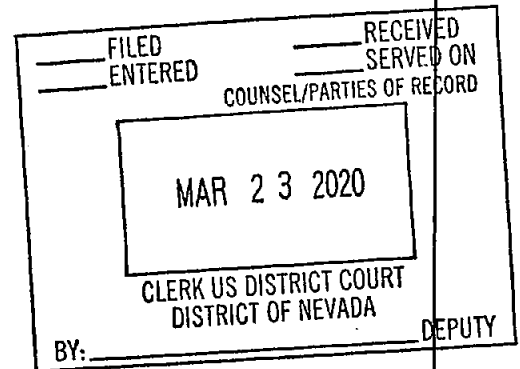


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7
8 **UNITED STATES DISTRICT COURT**
9 **DISTRICT OF NEVADA**

ORDER

10 UNITED STATES OF AMERICA,
11 Plaintiff,
12 v.
13 ELIEL URRUTIA JIMENEZ,
14 Defendant.

Case No. 2:20-mj-00199-VCF

**~~STIPULATION TO CONTINUE~~
PRELIMINARY HEARING AND
DEFENDANT'S WAIVER OF
SPEEDY TRIAL
(First Request)**

16 It is hereby agreed and stipulated to, by and between United States Attorney Nicholas
17 A. Trutanich and Assistant United States Attorney Rachel Kent, counsel for the United States
18 of America, and Federal Public Defender Rene L. Valladares and Assistant Federal Public
19 Defender Sylvia A. Irvin, counsel for Defendant Eliel Urrutia Jimenez, that that the Preliminary
20 Hearing currently scheduled on March 23, 2020, be vacated and continued to a date and time
21 convenient to the Court, but no sooner than 30 days.

22 This Stipulation is entered into for the following reasons:

23 1. Mr. Jimenez's initial appearance was on March 9, 2020, and his detention
24 hearing was held on March 11, 2020. ECF Nos. 2, 7. Following a detention hearing, Mr.
25 Jimenez was detained and is currently at the Nevada Southern Detention Center in Pahrump.
26

1 2. A preliminary hearing was scheduled in this matter for today, March 23, 2020.
2 ECF No. 2.

3 3. In the interim, on March 11, 2020, the World Health Organization officially
4 classified COVID-19 a pandemic. Governor Steve Sisolak declared a State of Emergency in
5 Nevada on March 12, 2020. On March 15, 2020, the CDC recommended that all in-person
6 events consisting of 50 or more people be postponed or cancelled throughout the United States.
7 The CDC's guidelines provide that all individuals take immediate preventive actions, including
8 putting distance between themselves and others.¹

9 4. The Chief Judge has issued two temporary general orders suspending jury trials
10 and striving to eliminate in person appearances by allowing hearings to be held by telephone or
11 video.²

12 5. While these events were occurring, the Office of the Federal Public Defender
13 (FPD) stopped all in-person attorney visits at the Nevada Southern Detention Center and
14 scheduled legal calls to update clients. The FPD also has been able to use the videoconference
15 room at the U.S. Probation Office.

16 6. Undersigned counsel scheduled legal calls to Mr. Jimenez but Mr. Jimenez did
17 not call and it is not clear why Mr. Jimenez did not receive counsel's messages.

18 7. While the first attempts to contact Mr. Jimenez were unsuccessful, counsel has
19 since been able to communicate with Mr. Jimenez. Undersigned counsel asked AFD Nisha
20 Brooks-Whittington to add Mr. Jimenez to her videoconference list on Friday, March 20, 2020.
21 AFD Brooks-Whittington was able to meet via video with Mr. Jimenez to discuss the
22 complaint, the status of his case, his speedy trial rights, and his right to a preliminary hearing.

23
24 ¹ *How to Protect Yourself*, CDC (March 15, 2020), <https://www.cdc.gov/coronavirus/2019-ncov/prepare/prevention.html>.

25 ² Available at [https://www.nvd.uscourts.gov/wpcontent/uploads/2020/03/Temporary-](https://www.nvd.uscourts.gov/wpcontent/uploads/2020/03/Temporary-General-Order-2020-03-re-Covid19.pdf)
26 [General-Order-2020-03-re-Covid19.pdf](https://www.nvd.uscourts.gov/wpcontent/uploads/2020/03/Temporary-General-Order-2020-03-re-Covid19.pdf), and [https://www.nvd.uscourts.gov/wp-](https://www.nvd.uscourts.gov/wpcontent/uploads/2020/03/Admin-Order-re-Covid19-court-closure-2020-04.pdf)
[content/uploads/2020/03/Admin-Order-re-Covid19-court-closure-2020-04.pdf](https://www.nvd.uscourts.gov/wpcontent/uploads/2020/03/Admin-Order-re-Covid19-court-closure-2020-04.pdf)

1 8. Mr. Jimenez understands and agrees to the continuance of his preliminary
2 hearing. He is well aware of the COVID-19 health concerns and does not want to be transported
3 to appear in court in person today.

4 9. Once the preliminary hearing is rescheduled by the Court, Mr. Jimenez and
5 counsel will determine whether he will appear in person or by video at that hearing and they
6 will notify the Court right away.

7 10. The additional time requested by this stipulation is excludable in computing the
8 time within which the trial must commence pursuant to the Speedy Trial Act, 18 U.S.C. §
9 3161(h)(7)(A), and considering the factors under 18 U.S.C. §§ 3161(h)(7)(B)(i) and
10 3161(h)(B)(iv).

11 11. The Defendant Mr. Jimenez is in custody, he agrees with the continuance, and
12 agrees to waive his speedy trial rights for purposes of this waiver of his right to a preliminary
13 hearing.

14 12. This is undersigned counsel's first request for a continuance of the preliminary
15 hearing.

16 DATED this 23th day of March, 2020.

17
18 RENE L. VALLADARES
19 Federal Public Defender

NICHOLAS A. TRUTANICH
United States Attorney

20 By /s/ Sylvia A. Irvin
21 SYLVIA A. IRVIN
22 Assistant Federal Public Defender

By /s/ Rachel Kent
RACHEL KENT
Assistant United States Attorney

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

3 UNITED STATES OF AMERICA,
4

5 Plaintiff,

6 v.

7 ELIEL URRUTIA JIMENEZ,
8

9 Defendant.

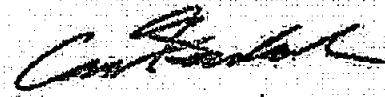
Case No. 2:20-mj-00199-VCF

ORDER

10 Based on the Stipulation of counsel and good cause appearing,

11 IT IS THEREFORE ORDERED that the Preliminary Hearing currently scheduled on
12 March 23, 2018, at 4:00 p.m., be vacated and continued to April 28, 2020 at the hour of
13 4:00 p.m.

14 DATED this 23rd day of March, 2020.

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17 UNITED STATES MAGISTRATE JUDGE
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